

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

LINKSMART WIRELESS TECHNOLOGY,  
LLC

Plaintiff,

v.

DEEP BLUE COMMUNICATIONS, LLC

Defendant.

Case No. 1:18-cv-02441-LDH-PK

LINKSMART WIRELESS TECHNOLOGY,  
LLC

Plaintiff,

v.

DCI-DESIGN COMMUNICATIONS, LLC

Defendant.

Case No. 2:18-cv-02444-LDH-PK

**PARTIES' JOINT PROPOSED SCHEDULE**

| <b>Event</b>   | <b>LPR or FRCP</b>                                 | <b>Linksmart<br/>Date</b> | <b>Deep Blue<br/>Date</b> | <b>DCI Date</b> |
|--|--|---------------------------|---------------------------|-----------------|
| Rule 26(f)<br>Conference                               |  | December 6, 2019 (DONE)   |                           |                 |
| Rule 26(a)(1)<br>Disclosures Due                       | FRCP<br>26(a)(1)(C) 14<br>days after<br>conference | December 20, 2019 (DONE)  |                           |                 |
| Initial Scheduling<br>Conference                       | *at Court's<br>discretion                          | January 7, 2020           |                           |                 |
| Service of<br>Interrogatories and<br>Document Requests | Model Discovery<br>Plan                            | No earlier than 12/6/20   |                           |                 |
| Deadline to serve<br>Disclosure of<br>Asserted Claims  | LPR 6 (45 days<br>after Initial                    | February 21, 2020         |                           |                 |

| Event  | LPR or FRCP                            | Linksmart Date   | Deep Blue Date | DCI Date                  |
|--|--|--|----------------|---------------------------|
| and Infringement Contentions   | Scheduling Conference)                 |  |                |                           |
| Deadline to serve Invalidity Contentions   | LPR 7 (45 days after LPR 6 contentions | April 6, 2020  |                |                           |
| Motion to join new parties or amend pleadings  | Model Discovery Plan                   | February 14, 2020  |                | AGREED                    |
| Plaintiff to make settlement demand  | Model Discovery Plan                   | April 17, 2020 (Deep Blue)<br>February 12, 2020 (DCI) <sup>1</sup> |                | January 17, 2020          |
| Defendant to make settlement offer   | Model Discovery Plan                   | April 29, 2020 (Deep Blue)<br>February 17, 2020 (DCI)              |                | January 24, 2020          |
| Parties exchange Proposed Claim Terms  | Model Discovery Plan                   | April 17, 2020   | May 13, 2020   |                           |
| Settlement Conference  | Model Discovery Plan                   | Week of May 4, 2020 (Deep Blue)<br>Week of February 17, 2020 (DCI) |                | Week of February 17, 2020 |
| Parties exchange Proposed Constructions<br><br>The Parties propose that, in addition to the proposed constructions, the parties exchange the initial intrinsic and extrinsic evidence supporting their proposed constructions, including an identification of the expert evidence likely to be relied on in support the proposed construction. | Model Discovery Plan                   | May 1, 2020  | May 28, 2020   |                           |

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<sup>1</sup> The dates for Linksmart and Deep Blue are agreed. Deep Blue takes no position on the settlement discussion dates with respect to DCI.

| Event  | LPR or FRCP                                      | Linksmart Date                          | Deep Blue Date                          | DCI Date |
|--|--|---|---|----------|
| Meet and Confer re: Claim Terms for Construction   | Model Discovery Plan                             | May 15, 2020                            | June 4, 2020                            |          |
| File Joint Claim Construction Chart  | LPR 11   | May 29, 2020                            | June 16, 2020                           |          |
| Opening Claim Construction Brief   | LPR 12(a) (30 days after LPR 11)                 | June 29, 2020                           | July 16, 2020                           |          |
| Responsive Claim Construction Brief  | LPR 12(b) (30 days after LPR 12(a))              | July 29, 2020                           | August 17, 2020                         |          |
| Reply Claim Construction Brief   | LPR 12(c) (7 days after LPR 12(b))               | August 12, 2020                         | September 2, 2020                       |          |
| Claim Construction Hearing   | *At the Court's convenience                      | At the Court's convenience              |   |          |
| Claim Construction Ruling  | *At the Court's convenience                      | At the Court's convenience              |   |          |
| Disclosure of Opinion of Counsel   | LPR 10 (30 days after claim Construction Ruling) | 30 days after Claim Construction Ruling |   |          |
| Parties Serve Supplemental Contentions   |  | AGREED                                  | 30 days after Claim Construction Ruling |          |
| Completion of all fact depositions   | Model Discovery Plan                             | January 15, 2021                        | February 26, 2021                       |          |
| Close of fact discovery  | Model Discovery Plan                             | January 15, 2021                        | February 26, 2021                       |          |
| Case-in-chief expert reports due   | FRCP 26  | January 29, 2021                        | April 13, 2021                          |          |
| Rebuttal expert reports due  | FRCP 26  | February 26, 2021                       | May 28, 2021                            |          |
| Depositions of experts to be completed   | FRCP 26  | March 26, 2021                          | July 14, 2021                           |          |
| Close of expert discovery  | FRCP 26  | March 26, 2021                          | July 14, 2021                           |          |
| Joint status report certifying close of all discovery and indicating whether dispositive motion is anticipated | Model Discovery Plan                             | April 2, 2021                           | July 29, 2021                           |          |

| Event  | LPR or FRCP          | Linksmart Date | Deep Blue Date  | DCI Date |
|--|----------------------|----------------|-----------------|----------|
| If District Judge requires Pre-Motion Conference, date to make request | Model Discovery Plan | April 9, 2021  | August 11, 2021 |          |

Dated: January 6, 2020

Respectfully submitted,

By: /s/ Andrew D. Weiss

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Dated: January 6, 2020

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Dated: January 6, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system, for filing and transmittal of a Notice of Electronic Filing to all Counsel of record.

/s/ Andrew D. Weiss  
Andrew D. Weiss